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RICHARD A. MARSHACK

7
8 UNITED STATES BANKRUPTCY COURT
9
10 CENTRAL DISTRICT OF CALIFORNIA – CENTRAL DIVISION

11 In re
12 THE LITIGATION PRACTICE GROUP,
13 Debtor.
14

Case No. Case # 8:23-bk-10571-SC

Chapter 11

NOTICE OF APPLICATION BY
CHAPTER 11 TRUSTEE TO EMPLOY
MARSHACK HAYS LLP AS GENERAL
COUNSEL

[NO HEARING REQUIRED]

15
16
17 TO THE HONORABLE SCOTT C. CLARKSON UNITED STATES BANKRUPTCY COURT
18 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE AND ALL INTERESTED
19 PARTIES:

20 PLEASE TAKE NOTICE that Richard A. Marshack, in his capacity as Chapter 11 Trustee
21 (“Trustee”) of the Bankruptcy Estate (“Estate”) of Litigation Practice Group (“Debtor(s)”), has filed
22 an application (“Application”) for entry of an order authorizing the employment of Marshack Hays
23 LLP (“Firm”) as Trustee’s and the Estate’s general counsel pursuant to 11 U.S.C. § 327. The Firm
24 will seek compensation pursuant to 11 U.S.C. §§ 330 and 331.

25 The Trustee requires the assistance of general counsel to, among other things, investigate,
26 analyze, and advise him regarding: the Estate’s assets, liabilities, and financial condition.
27 Additionally, because the case remains in Chapter 11, the Firm will advise Trustee regarding
28 potential plans of reorganization. Trustee also requires the assistance of general counsel to identify

and evaluate potential litigation claims held by the Estate. The Firm is knowledgeable and experienced in representing bankruptcy trustees including Chapter 11 trustees. Specifically, the Firm may be required to assist Trustee in the following matters:

- a. To analyze and evaluate assets of and claims against the Estate;
- b. To assist Trustee in analyzing Debtor's ability to reorganize and confirm a Chapter 11 Plan of Reorganization;
- c. To assist Trustee in analyzing whether the best interests of creditors and the Estate would be better served by conversion to Chapter 7;
- d. To represent Trustee in any proceedings or hearings in the Bankruptcy Court or in any other action where the rights of the Estate or Trustee may be litigated or affected;
- e. To conduct examinations of the Debtor, witnesses, claimants, or adverse parties and to prepare and assist in the preparation of reports, accounts, applications, motions, complaints, and orders;
- f. To prepare on behalf of Trustee any necessary applications, motions, answers, orders, reports, and other legal papers;
- g. To investigate, and if necessary, prosecute claims for relief that the Estate may have; and
- h. To perform all legal services incidental and necessary for the smooth administration of the Estate.

The Firm will render services to the Trustee at the Firm's regular hourly rates, which may be adjusted from time to time. The Firm's current hourly billing rates are as follows:

Partners	Rates	Of Counsel	Rates	Paralegals	Rates
Richard A. Marshack	\$690	Kristine A. Thagard	\$590	Pamela Kraus	\$290
D. Edward Hays	\$690	Matthew W. Grimshaw	\$590	Chanel Mendoza	\$290
David A. Wood	\$550	Associates	Rates	Layla Buchanan	\$290
Chad V. Haes	\$550	Tinho Mang	\$430	Cynthia Bastida	\$290
Laila Masud	\$460	Bradford N. Barnhardt	\$360	Kathleen Frederick	\$260
		Sarah R. Hasselberger	\$340		

The Firm will be compensated from assets of the Estate, if any, and will not be compensated absent the Estate's receipt or recovery of such assets. The Firm has received no retainer for the

1 services to be performed in this case. The Firm understands that its compensation in this case is
2 subject to approval by the Bankruptcy Court. In compliance with 11 U.S.C. §§ 330 and 331. The
3 Firm intends to file interim and final applications for allowance of fees and reimbursement of costs
4 as and when appropriate.

5 The Firm represents and agrees that it has not shared or agreed to share any compensation to
6 be received by it in this case with any other person, except as among partners of the Firm. Based on
7 the foregoing, the Trustee believes that the Firm is a “disinterested person” within the meaning of
8 Bankruptcy Code § 101(14).

9 The complete scope and terms of the employment are detailed in the Application a copy of
10 which can be obtained by contacting D. Edward Hays and Laila Masud whose contact information
11 is listed in the top left-hand corner of this Notice. The Application is based on 11 U.S.C § 327 and
12 the Firm intends to seek compensation pursuant to 11 U.S.C. §§ 330 and 331.

13 PLEASE TAKE FURTHER NOTICE that any response and request for hearing as to the
14 proposed employment must be in the form as required by Local Bankruptcy Rules (“LBR”) 2014-
15 1(b), 9013-1(f) and (o) and filed with the Clerk of the above-entitled Court no later than 14 days
16 from the date of service of this Notice, plus an additional three days unless this Notice was served
17 by personal delivery or posting as described in F.R.Civ.P. 5(b)(2)(A)-(B). A copy of any response
18 must be served on D. Edward Hays and Laila Masud at the address indicated above and must also
19 be served on the Office of the United States Trustee, 411 West Fourth Street, Suite 7160, Santa
20 Ana, CA 92701. Failure to timely respond may be deemed as acceptance of the proposed
21 employment. *See*, LBR 9013-1(h).

22
23 Dated: May 19, 2023

MARSHACK HAYS LLP

24 /s/ D. Edward Hays

25 By: _____
26 D. EDWARD HAYS
27 LAILA MASUD
28 Attorneys for Chapter 11 Trustee
RICHARD A. MARSHACK

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF APPLICATION BY CHAPTER 11 TRUSTEE TO EMPLOY MARSHACK HAYS LLP AS GENERAL COUNSEL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **May 19, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:** On **May 19, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR

THE LITIGATION PRACTICE GROUP P.C.
ATTN: OFFICER, A MANAGING OR GENERAL AGENT, OR
TO ANY OTHER AGENT AUTHORIZED BY APPOINTMENT
OR LAW TO RECEIVE SERVICE OF PROCESS
17542 17TH STREET, SUITE 100
TUSTIN, CA 92780

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **May 19, 2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

PURSUANT TO THE CENTRAL GUIDE SUPPLEMENT TO LBR 5005-2(d), SERVING A JUDGE'S COPY OF DOCUMENTS, §2.2(c), A NON-HEARING MOTION WHEN THE RESPONSE DEADLINE HAS NOT PASSED SHOULD NOT BE SERVED UPON THE JUDGE.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 19, 2023

Date

Layla Buchanan

Printed Name

/s/ Layla Buchanan

Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:

- **ATTORNEY FOR CREDITOR SDCO TUSTIN EXECUTIVE CENTER, INC.:** Ronald K Brown
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- **ATTORNEY FOR DEBTOR THE LITIGATION PRACTICE GROUP P.C.:** Joon M Khang joon@khanglaw.com
- **CHAPTER 11 TRUSTEE RICHARD A MARSHACK (TR):** Richard A Marshack (TR)
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